

EXHIBIT

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64-02-SW-1021

GDG
MTM

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

ROXBURY DISTRICT COURT
DEPARTMENT

AFFIDAVIT OF BOSTON POLICE DETECTIVE D. MARK COOPER

YOUR AFFIANT

I, D. Mark Cooper, your affiant, being duly sworn, do depose and say under the pains and penalties of perjury that the following is true to the best of my knowledge:

I have been employed as a Boston police officer since July 10, 1985. I was rated a Detective on July 17, 2000 and received five weeks of training. I am currently assigned to Area B-2, which is comprised of Roxbury and Dorchester sections of Boston.

I have received training from the Boston Police Academy and the Suffolk County District Attorneys Office as part of my Detective training. This training specifically included training in Search Warrant applications and executions. I have been the affiant and/or participated in the execution of several other Search Warrants.

I have earned a Bachelors Degree in Criminal Justice from Springfield College and a Masters Degree in Criminal Justice from Anna Maria College.

STATEMENT OF FACTS CONSTITUTING PROBABLE CAUSE

The date of this Affidavit in Support of Application for Search Warrant is March 1, 2004.

On 03/01/04 about 4:18am Officers Smigielski and Farrell along with Officer Robinson responded to a radio call for a person with a gun at 25 Wayne St apartment #9 in Roxbury. On arrival, officers spoke to victim Terrance Phillips who stated he went to 25 Wayne St. Apartment #9 in Roxbury, in an attempt to locate his ex-girlfriend Kiet "Butter" Larkins. Victim stated that he knocked on the door of the apartment and called his ex- girlfriend's name. Victim further stated that the suspect, known to the victim as "Rob", opened the door and informed the victim his girlfriend was not there. At this time suspect (Later identified as Shon Rowell) produced a black handgun, pointed it at the victim and told him to "Get the fuck out of here." Victim fled the apartment building and called 911. Victim further stated to officers that the suspect was still in apartment #9. Officers immediately went to 25 Wayne St. apt. #9 and knocked on the door and announced their office. Suspect refused to open the door for officers along with Sgt. Frangie. As officers from District B-2 helped set up a perimeter around the building, suspect Rowell exited apartment #9 and was confronted by Officers O'Neil and McNeil. Sho Rowell fled down stairs where

D. Mark Cooper

officers chased him and after a struggle in an attempt to escape, was finally subdued and restrained.

Officer Smigielski immediately entered apartment #9 and performed a protective sweep and observed one black female later identified as Jacqueline Santiago. Per Sergeant Frangie, the scene was secured pending acquisition of a search warrant. Santiago stated that Kiet "Butter" Larkins is her cousin and is a tenant of apartment with a Michelle Kennedy.

Victim Terrance Phillips was transported to Area B-2 and was interviewed by Sgt. Det. Gallagher and Det. Cotter. He stated that on 03/01/04 approximately 3:00am-3:30am he went to 25 Wayne St. to visit with his ex-girlfriend Keita Phillips known as "Butter". He stated that he knocked on the door and Jacqueline Santiago the cousin of Butter told him through the door that "Butter wasn't home. The victim continued knocking on the door and at this time a black male known to victim as "Rob" came to the door, opened the door, and stated to victim Terrance Phillips "Dog she is not here" victim said "come on", Rob stated to victim "Dog get away from the door." Rob took out the black semi-automatic gun out of his waistband, racked it back and told the victim he would pop the gun. Victim was shown lineup #04-000363 and identified the suspect "Rob", as Shon Rowell, as the person who opened the door and pointed the gun at him.

Suspect Shon Rowell, who was placed under arrest and witness Jacqueline Santiago were transported to Dist. 2. Both suspect and witness match description of suspects wanted in an armed robbery, which occurred earlier in the morning around 12:50am. See C.C.#040104353. Victim, Willunda Jones came to Dist 2 and was interviewed by Sgt. Det. Gallagher and stated she was robbed by a b/m and a b/f she only knows as Jackie in the hallway of 141 Homestead St. She stated the black male held a black colored handgun to her head while Jackie went threw her pocketbook and jacket. Victim stated taken from her was \$120.00 us currency, keys with a tag on it with the name Lugz and keys also had a Stop and Shop and Osco card, lottery tickets and Newport cigarettes. Victim was shown lineup #04-000363 in which she picked out Shon Rowell as the person who put a black colored handgun to her head and robbed her. Victim was also shown lineup #04-000364 in which she picked out Jacqueline Santiago as the female her went threw her pocketbook and jacket. Sgt. Det. Gallagher, Det. Cotter and I interviewed Santiago after she was given Miranda and was subsequently place under arrest for armed robbery.

Based on the aforementioned information, including both victim's Terrance Phillips and Willunda Jones identifying suspect Shon Rowell as the b/m who pointed a gun at them and the fact that suspect was inside 25 Wayne St. apartment #9 and refused to open door for officers and was apprehended after he attempted to flee and didn't have firearm on his person, I have probable cause to believe there is a black semi-automatic firearm located inside 25 Wayne St. apartment #9. I am requesting a search warrant to search 25 Wayne St. Apt. #9 for black semi-automatic firearm along with ballistic evidence, bullets, gun cleaning kit. I am also requesting to search for victim Willunda Jones' \$120.00, keys with Stop and Shop and Osco cards along with a key tag with the word Lugz on it, lottery tickets and Newport cigarettes.

25 Wayne St. apt. #9 is in Roxbury, Ma. Since the time of this incident, it has been under the control of the Boston Police Department personnel. No person has

Phme

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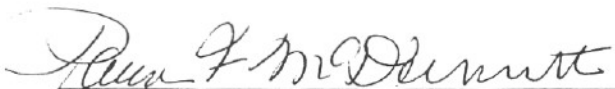
attempted to gain entrance to this location. 25 Wayne St. is a multi unit apartment building with a white front entrance way and numbered 25 on the outside glass. Apartment #9 is located on the third floor and is marked with the number 9 on door.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 1ST DAY
OF MARCH 2004.



D. Mark Cooper
Detective
Boston Police Department

SWORN AND SUBSCRIBED TO BEFORE



Signature of Justice, Clerk-Magistrate or Assistant Clerk
Roxbury District Court

3/1/04

Date